



Entered on Docket  
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINTH OMNIBUS  
OBJECTION OF USACM LIQUIDATING  
TRUST TO DUPLICATE PROOFS OF  
CLAIM**

Hearing Date: November 13, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Ninth Omnibus Objection Of USACM  
2 Liquidating Trust To Duplicate Proofs Of Claim [DE 7626] (the “Objection”); the Court  
3 having heard the Objection on November 13, 2009; appropriate notice of the Objection  
4 having been given; no response to the Objection having been filed; and good cause  
5 appearing:

6 **IT IS ORDERED:**

7 1. The Objection [DE 7626] is sustained; and

8 2. The initial Proofs of Claims listed on **Exhibit A**, attached, are disallowed.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

14 *Attorneys for USACM Liquidating Trust*  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

**USACM****EXHIBIT A TO OMNIBUS OBJECTION RE DUPLICATE CLAIMS**

<b>Claimant's Name and Address</b>	<b>Initial Proof of Claim Number (claim subject to objection)</b>	<b>Subsequent Proof of Claim Number (claim <u>not</u> subject to objection)</b>	<b>Claim Amount</b>
Addy, Ronald M & Priscilla K 21675 Obsidian Ave. Bend, OR 97702	10725-02235	10725-02236	Unliquidated
Barbara M Sanchez 2002 Revocable Living Trust DTD 4/4/02 c/o Barbara M Sanchez Trustee Po Box 90528 Santa Barbara, CA 93190	10725-00466	10725-00467	Unliquidated
Brines Revocable Family Trust, Michael R & Cindy G U/A DTD 11/5/94 c/o Michael R & Cindy G Brines Trustees 4935 El Sereno Avenue La Crescenta, CA 91214	10725-01918	10725-02431	\$771,119.58
Brines Revocable Family Trust, Michael R & Cindy G U/A DTD 11/5/94 c/o Michael R & Cindy G Brines Trustees 4935 El Sereno Avenue La Crescenta, CA 91214	10725-01569	10725-01744	\$59,953.00
CK Khury & Irene K Bass Family Trust DTD 5/10/05 c/o Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY Las Vegas, NV 89169	10725-02193	10725-01951	\$400,000
Cohen, Nelson L c/o Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY, 4 <sup>th</sup> Floor Las Vegas, NV 89169	10725-00818	10725-01216	Unliquidated
Cohen Living Trust DTD 3/6/90 c/o Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY Las Vegas, NV 89169	10725-00811	10725-01218	\$404,317.00
Denise F Fager Revocable Trust UAD 2/28/03 Denise F Fager Trustee 23741 Brisbane Bay Dana Point, CA 92629	10725-02355	10725-02356	\$1,327,564.06
Lisa Hollifield Personal Rep of J Naftzinger Est c/o Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY Las Vegas, NV 89169	10725-0848-2	10725-01293	Unliquidated
Karen Petersen Tyndall Trust DTD 3/9/94 c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	10725-00795	10725-01183	\$1,115,915.59

**USACM EXHIBIT A TO OMNIBUS OBJECTION RE DUPLICATE CLAIMS**

<b>Claimant's Name and Address</b>	<b>Initial Proof of Claim Number (claim subject to objection)</b>	<b>Subsequent Proof of Claim Number (claim <u>not</u> subject to objection)</b>	<b>Claim Amount</b>
Messersmith, R G & Deaun Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY 4 <sup>th</sup> Floor Las Vegas, NV 89169	10725-00834	10725-01285	Unliquidated
Snow, Jack & Heidi Scott D Fleming Esq Hale Lane Peek Den & How 3930 Howard Hughes PKWY Las Vegas, NV 89169	10725-00829	10725-01292	Unliquidated